IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE D.S.R.VARMA

WRIT PETITION NO : 3948 of 2005

Between:

M/s. Vijaya Laxmi Agro Food Industries, represented by its Proprietor S.C. Panchakatti,
S/o. Sadasiva Chandraiah, aged about 45 years, Plot No. 65, Canacona Industrial Estate, Shristhal,
Canacona, Goa State

..... PETITIONER

AND

The Commissioner of Prohibition and Excise AP Nampally, Hyderabad.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a appropriate directions, orders and more particularly one in the nature of Writ of Mandamus declaring the action of the respondent herein in not issuing No. Objection Certificate for lifting and transporting of Molasses from various places in Andhra Pradesh to the Industry of the Petitioner M/s. Vijayalaxmi, Agro Food Industries, situated at Plot No. 65, Canacona Industrial Estate, Shristhal, Canacona, Goa State, Goa state and stating that the Molasses has been de-controlled in the state of Andhra Pradesh is arbitrary, illegal, violative of legal and fundamental rights guaranteed under the constitution of India and must against to the principles of natural justice and consequently : a) to direct the respondent herein to issue No Objection Certificate for lifting and transporting the Molassess from various places of the State of Andhra Pradesh to the Industry of the petitioner, situated at Goa state. b) to direct the respondent and his subordinates from interfering with the lifting and transporting the Molasses from various places of the State of Andhra Pradesh to the Industry of the petitioner, situated at Goa State and to pass such other order or

orders as this Hon'ble Court may be deem fit and proper in the circumstances of the case and in the interest of justice, equity and good conscience as otherwise the petitioner shall be put to grave and inexplicable hardship and injury

Counsel for the Petitioner:MR.PALIVELASATYARAJA BABU

Counsel for the Respondent : GP FOR PROHIBITION & EXCISE

The Court made the following :

ORDER:.

Heard.

The petitioner files this Writ Petition aggrieved by the non-issuance of 'No Objection Certificate' for lifting and transporting of Molasses from various places in Andhra Pradesh to the Industry of the Petitioner, situated at Plot No. 65, Canocona Industrial Estate, Shrishal, Canacona, Goa State.

It appears that the petitioner has been involved in manufacture of cattle feed with molasses and he has been collecting such molasses from various states including Andhra Pradesh. It is his further grievance that the Government of Goa has been insisting on the issuance of 'No Objection Certificate' for the purpose of transportation of molasses from this State, on the ground that it has control over the transportation of molasses from this state to any other state.

When the petitioner approached the respondent, by letter C.R.No. 20108/02/CPE/J1 dated 6.1.2003, whereby the petitioner's industry at Goa, had been informed that molasses had been decontrolled, which implies that the Government of Andhra pradesh has no control over the transportation of molasses from this state to any other state. In such an event, the question of issuance of 'No Objection Certificate' does not arise.

I am unable to understand as to how this Writ Petition has been filed. In view of the orders passed by the respondent dated 6.1.2003, in fact, no Writ Petition need be filed nor no clarification need be given by this court.

Accordingly, the Writ Petition is closed. No costs.

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D.S.R. VARMA, J

DATED: 10.03.2005

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Note: Furnish copy in three days.

To

1. The Commissioner of Prohibition and Excise AP Nampally, Hyderabad.

2. 2 CCs to G.P. for Prohibition and Excise, High Court of A.P., Hyderabad. (OUT)

5. 2 CD Copies.